

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

IN RE: Brent E. Hall

Case No. 07-58652-WS
Hon. WALTER SHAPERO
Chapter 13

Christopher M. Carey (P51527)
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PROPOSED PLAN MODIFICATION TO EXCUSE PAYMENT OF 2010 TAX REFUND

Debtor states as follows in support of this modification:

1. The above captioned matter was filed on September 19, 2007.
2. The Chapter 13 Plan was confirmed by Order dated March 6, 2008.
3. Pursuant to the Chapter 13 Plan as most recently amended, the Debtor is required to make payments of \$141.00 monthly.
4. Pursuant to the Chapter 13 Plan the debtor is also required to submit 100% tax refunds.
5. Debtor recently experienced unanticipated costs from his Landscaping and snow removal business. Specifically, debtor's snow plow became damaged and needed repairs. Debtor's snow blower also needed minor repairs. Copies of these receipts have been forwarded to the trustee's office.
6. In order to stay competitive in his Landscaping business, debtor requires a Skid Sprayer. Debtor's business is seasonal and in order to obtain new business debtor needs the ability to spray chemicals more efficiently. Debtor has obtained multiple quotes for the proper equipment, which have been sent to the trustee's office.
7. The Debtor expects to receive a tax refund from the Federal Government for the 2010 tax year in the amount of \$2,213.00. Debtor also expects to owe the State of Michigan \$370. A copy of the 2010 tax return has been forwarded to the Trustee.
8. Debtor requests that his 2010 income tax refund be excused in its entirety for the above expenses in the following amounts: \$370 State Taxes; \$49.23 snow blower repair; \$550.67 for plow repair and \$2129.00 for the skid sprayer totaling: \$3,098.90.
9. The proposed modification has the following impact on the classes of creditors being paid by the Trustee as follows:
 - a. Class one administrative claims - no impact
 - b. Class two continuing claims - no impact
 - c. Class three executory contracts/unexpired lease - no impact
 - d. Class four arrearage on continuing claims - no impact
 - e. Class five (a) secured purchase money security interest claims - no impact
 - f. Class five (b) other secured claims - no impact
 - g. Class six priority unsecured claims - no impact
 - h. Class seven special unsecured claims - no impact

- i. Class eight general unsecured claims -negative impact; creditors will not be entitled to the remittance of the debtor's 2010 income tax refund..

WHEREFORE, Debtor proposes the following plan modification:

- a. Payment of the Debtor's 2010 Tax refund is hereby excused for good cause shown.
- B. In all other respects, the Order Confirming Plan, entered and dated March 6, 2008, as last amended, shall remain in full force and effect.

Respectfully submitted,

/s/ Christopher M. Carey
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NOTICE OF PROPOSED PLAN MODIFICATION TO EXCUSE PAYMENT OF 2010 TAX REFUND

The Debtor has filed papers with the court to PROPOSED PLAN MODIFICATION TO EXCUSE PAYMENT OF 2010 TAX REFUND

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to PROPOSED PLAN MODIFICATION TO EXCUSE PAYMENT OF 2010 TAX REFUND, or if you want the court to consider your views on the modification, within 21 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Boren & Carey, P.C.
2727 South Telegraph
Dearborn, MI 48124
(313) 274-2999

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: 3/8/11

/s/ Christopher M. Carey
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¹Response or answer must comply with F.R.Civ.P. 8(b), (c) and (e).